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THIS IS A LEGAL NOTICE, IMMEDIATE ACTION MAY BE REQUIRED TO PROTECT YOUR RIGHTS

April 26, 2016

To: **Jimmy C. Havard**
Forrest County Chancery Clerk
P.O. Box 951
Hattiesburg, MS 39403

Billy Magee
Forrest County Sheriff
55 Arena Drive
Hattiesburg, MS 39401

Will Allen
P.O. Box 751
Brookhaven, MS 39602

David Miller
Attorney for the Forrest County Board of Supervisors
P.O. Box 1310
Hattiesburg, MS 39403-1310

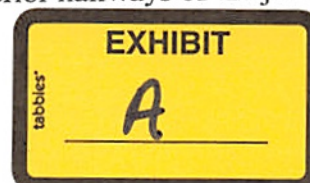
Claimant: MILLARD TOUSSAINT

Re: Notice of Claim Pursuant to Mississippi Tort Claims Act (MISS.CODE ANN.
Sections 11-46-11 & 11-46-9(1)(c)(d)

Dear Sirs:

This letter is formal notice of a claim against you, a governmental entity for which you are the chief executive officer (hereinafter "Defendant"). This claim is governed by the Mississippi Tort Claims Act (MISS. CODE ANN. Section 11-46-11). As required by The Act, this letter hereby serves to provide sufficient notice to you and your representatives, officials and/or agents of a pending claim, which may form the basis of a lawsuit. The Mississippi Tort Claims Act requires that the claimant send a Notice of Claim to the governmental entity at least ninety (90) days before initiating any such lawsuit. This letter satisfies that requirement and begins the ninety-day waiting period for the filing of such a lawsuit.

You are hereby directed to preserve any and all audio and video recordings from inside the booking area of the Forrest County Jail (hereafter "jail"), inside any of the jail cells, including holding cells and isolation cells that Millard Toussaint was housed, and any other areas of the inside or outside of the jail, including the interior hallways of the jail. Please preserve all



video and/or audio from body cameras, if any, from the deputies involved in this incident. Please preserve all discovery in this case including, but not limited to, all dispatch logs between the jail and Hattiesburg Police Department patrol officers during the time of this incident, policies and procedure manuals for the jail and all jail staff, training manuals, incident reports, and shift reports from all law enforcement officers, medical staff, and civilian staff, nurse log, staff logs, inmate logs, and any non-staff witnesses on or about April 1, 2016. Preserve all radio transmissions between deputies and from deputies to dispatch during this incident. Preserve all medical documentation and treatment records and photographs of Millard Toussaint. Please preserve all personnel records of all officers and contract employees working during the time Millard Toussaint was housed at the Forrest County Jail. Preserve all booking and release records of Millard Toussaint. Preserve all incident report(s) provided to your office's internal investigation officials. Preserve the list of male inmates housed either inside the same cell or near Millard Toussaint's cell. Preserve a record of all employees working at the jail that observed or made contact with Millard Toussaint on the date of this incident.

Statement of Facts Upon Which the Claim is Based:

A. Narrative of Damages.

This claim is for personal injuries, emotional distress, constitutional deprivations, Americans with Disabilities Act claims, HIPAA violations and all other potential losses and damages suffered by Millard Toussaint. On or about April 1, 2016, Millard Toussaint was arrested by the Hattiesburg Police Department for Driving Under the Influence and was transported to the Forrest County Jail for booking. Mr. Toussaint asked to make a telephone call multiple times. Three deputies approached Mr. Toussaint in his holding cell. They placed handcuffs on Mr. Toussaint's ankles and wrists, with a chain connected between the handcuffs, and proceeded to beat Mr. Toussaint until he was unconscious. After they beat him, they dragged him, on the ground, while his wrists and ankles were still handcuffed, from the holding cell to an isolation cell. Mr. Toussaint pushed the "call" button and requested medical attention because he thought his rib was broken. Their response was, "shut up or we will come back in there." After Mr. Toussaint bonded out of jail many hours later, he immediately went to Merritt/Wesley Hospital. His doctor confirmed that his ribs were broken and he is continuing medical treatment for his shoulder and other issues. He left the jail with severe bruises and lacerations all over his body. Mr. Toussaint filed a formal complaint with Officer Nick Calico and also submitted his medical records and photographs to Investigator Calico. Mr. Toussaint is a Veteran who served in the United States Army from 2002 through 2006 and is 100% disabled due to his military service.

B. Extent of Damages and/or Injuries

The damages caused by the aforementioned incident can be summarized as follows:

Mr. Toussaint had broken ribs, shoulder pain, and bruising all over his body as a result of Defendants' actions. He immediately sought medical attention for his physical injuries and that treatment is ongoing. Further, Mr. Toussaint suffered emotional distress, anxiety, depression, and Post-Traumatic Stress Disorder (PTSD) as a result of the Defendants' actions and the deprivation of Mr. Toussaint's constitutional rights. Mr. Toussaint also suffered extensive pain and suffering, and loss of enjoyment of life as a result of the Defendants' actions.

Mr. Toussaint would seek to file claims against Defendants for negligence, gross negligence, reckless disregard, excessive force, assault, battery, failure to provide medical care, outrage, negligent supervision, infliction of emotional distress, negligent training, and conspiracy.

Mr. Toussaint may also seek to file claims for violations of the 4th, 8th, and 14th Amendment to the United States Constitution, Americans with Disabilities Act Claim, and reserves the right to file any such claims prior to the expiration of the ninety days pursuant to the Mississippi Tort Claims Act.

C. Time and Place of Damages and/or Injuries.

The incident, which forms the basis of the claim, occurred on or about April 1, 2016 at the Forrest County Jail.

D. Names of all Persons Known to be Involved.

1. Currently unknown law enforcement officials, jail staff, civilian non-staff witnesses, and inmates present at the scene of the incident.
2. Other unknown witnesses

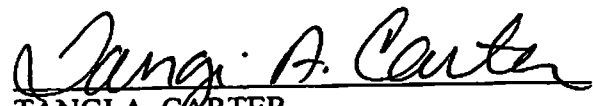
E. Amount of Money Damages Sought in this Claim.

Investigator Calico currently has copies of all of Mr. Toussaint's medical treatment after this incident. This treatment is ongoing, therefore a complete calculation of actual damages is not available at this time, including but not limited to psychiatric counseling for PTSD as a result of Defendants' Actions. He is also continuing treatment from for his physical injuries as a result of Defendants' actions. As a result of the damages and personal injuries suffered by the claimant, Mr. Toussaint is seeking Three Million Dollars (\$3,000,000.00) in monetary damages.

F. Residency of the Claimant at the Time of the Damages and/or Injuries and at the Time of the Notice of Claim.

At the time of the damages and injuries, which serve as the basis for this claim, and at the time of the service of this Notice of Claim, the claimant was a resident of Forrest County, Mississippi.

This Notice of Claim is in compliance with all requirements of Miss. Code Ann. Section 11-46-11 and subsequent interpretations of that law by the courts of Mississippi. Beginning ninety (90) days following the receipt of this Notice of Claim, the claimant may file a complaint in the court of competent jurisdiction seeking remedies for this claim.


TANGI A. CARTER
MS Bar Number 10846
Attorney for Plaintiff